

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,
ex rel. GINA TRULY,

Plaintiff,

v.

STATE OF WISCONSIN – DIVISION OF
HOUSING AND CITY OF BARABOO CDA,

Defendants.

SEALED
ORDER

14-cv-842-jdp

Pro se plaintiff Gina Truly, a resident of Middleton, Wisconsin, has filed this action under the False Claims Act, alleging that the city of Baraboo Community Development Authority received federal loan funds in violation of various federal regulations, allowed loan funds to go missing, and then, after she reported the violations, retaliated against her by firing or demoting her. In a previous order, I directed the clerk of court to serve the United States so that the government could decide whether to intervene in the case. Dkt. 4. The government has responded, stating that it declines to intervene. Dkt. 10.

Truly, as relator, may still proceed with this lawsuit on behalf of the government. Usually at this point, I would unseal the complaint and the government's declination, and have the relator serve them upon defendants. I will unseal these documents, but Truly should wait to serve defendants until she responds to the court about two issues.

First, in its response, the government states that Truly has told its representatives that she does not intend to pursue the case on her own, and that the government does not object to dismissal so long as it is without prejudice. Second, as I stated in the previous order, Truly cannot pursue this case as a pro se litigant; she must locate an attorney to represent her.

Accordingly, I will give Truly a short time to respond to this order, explaining whether she wishes to pursue this case. If she does wish to pursue the case, she has the same deadline to have an attorney appear on her behalf. If she does not respond to this order, I will dismiss the case without prejudice.

ORDER

IT IS ORDERED that:

1. The clerk of court is directed to unseal the complaint, Dkt. 1, and the government's declination, Dkt. 10. The remainder of the court's current docket remains under seal. The seal is lifted for all matters that occur after the date of this order.
2. Relator Gina Truly may have until January 25, 2017, to inform the court whether she wishes to pursue the case, and if she does wish to pursue it, to have an attorney appear on her behalf.
3. Under 31 U.S.C. § 3730(c)(3), the United States shall be served with copies of all further pleadings in this action.

Entered January 4, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge